

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:05CR244</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>TOMMY C. WHITESEL,</b>	)	
	)	
<b>Defendant.</b>	)	

Defendant's motion to dismiss (Filing No. 14) is scheduled for hearing before the undersigned magistrate judge at **1:30 p.m. on September 15, 2005**, in Courtroom No. 7, Second Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

Counsel are reminded of the requirements of NE CrimR 12.5 which provides as follows:

**Disclosure of Evidence.** This rule applies to all evidentiary hearings on pretrial motions in criminal cases.

- (a) **Witnesses.** At the time of the hearing, and to the extent reasonably possible, the parties shall submit to the judge and courtroom deputy a written list of all witnesses whom the parties expect to call.
- (b) **Exhibits.** At least twenty-four (24) hours before the hearing, each party shall mark the exhibits that party intends to introduce into evidence at the hearing, and provide a copy to counsel for all other parties and to the presiding judge.

Exhibits should be marked as follows: government's exhibits beginning at Number 1 and defense exhibits beginning at Number 101.

This being a criminal case, defendant must be present unless otherwise ordered by the court.

DATED this 7th day of September, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge